



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Gerard F. Barry et al.

Serial No.: 09/464,099

Filed: December 16, 1999

For: GLYPHOSATE-TOLERANT 5-  
ENOLPYRUVYLSHIKIMATE-3-  
PHOSPHATE SYNTHASES

Atty. Dkt. No.: 11899.0175.DVUS01  
(MOBT:175--2)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22315-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, applicants request that this Supplemental Information Disclosure Statement be entered and that the following information be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In addition to the parent applications to which applicants have claimed priority, applicants disclose the following additional U.S. patent applications that are based on the same specification as the present application:

U.S. Patent Application Serial No. 09/861,696  
Filed: May 21, 2001  
Status: Abandoned

Reissue Application for U.S. Patent No. 5,633,435  
Serial No. 10/622,201  
Filed: July 18, 2003  
Status: Pending

Additionally, in the Supplemental Information Disclosure Statement filed February 13, 2003, Applicants identified the following litigations in which related U.S. Patent No. 5,633,435 was previously asserted:

1. Monsanto Co. v. Plummer, 98-2536 EEO, U.S. District Court for the District of Kansas, filed November 19, 1999.
2. Monsanto Co. v. Dawson, 4:98CV02004 TCM, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed December 2, 1998.
3. Monsanto Co. v. Mayfield, 4:99CV00538 CAS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed April 2, 1999.
4. Monsanto Co. v. Garbers, 4:99CV00632DJS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed April 1, 1999.
5. Monsanto Co. v. Collier, 4:99CV00995LOD, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed June 22, 1999.
6. Monsanto Co. v. Bowling, 3:99CV-424-S, U.S. District Court for the Western District of Kentucky, filed July 1, 1999.
7. Monsanto Co. v. Stratemeyer, 4:99CV01218CEJ, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed August 2, 1999, transferred in September 1999 to U.S. District Court, Southern District of Illinois, 99-4197-JPG.

8. Monsanto Co. v. Moore, 1:99-1195, U.S. District Court for the Western District of Tennessee, Eastern Division, filed August 18, 1999.
9. Monsanto Co. v. Lea, 4:99CV01994ERW, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed December 17, 1999.
10. Monsanto Co. v. Byrd, 7-99-CV-154-F(1), U.S. District Court for the Eastern District of North Carolina, Southern Division, filed August 31, 1999.
11. Monsanto Co. v. Owens, 4:99CV01424TIA, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed September 9, 1999.
12. Monsanto Co. v. Godfredson, 4:99CV01691CDP, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed October 29, 1999.
13. Monsanto Co. v. Edwards, 3-99-CV-90197, U.S. District Court for the Southern District of Iowa, Davenport Division, filed November 24, 1999.
14. Monsanto Co. v. McFarling, 4:00CV00084DDN, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed January 19, 2000.
15. Monsanto Co. v. Ralph, 4:00CV00135RWS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed January 28, 2000.
16. Monsanto Co. v. Snowden, 5-00CV0044-C, U.S. District Court for the Northern District of Texas, Lubbock Division, filed February 11, 2000.
17. Monsanto Co. v. Oswalt, 4:00CV00278FRB, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed February 18, 2000.
18. Monsanto Co. v. Eaton, 4:00CV00435ERW, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed March 13, 2000.

19. Monsanto Co. v. Hartkamp, CIV00-164-S, U.S. District Court for the Eastern District of Oklahoma, filed April 3, 2000.
20. Monsanto Co. v. Roush, 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division, filed May 10, 2000.
21. Pharmacia Co. f/k/a Monsanto Co. v. Trantham, 002656-M1BRE, U.S. District Court for the Western District of Tennessee, Western Division, filed June 25, 2000.
22. Monsanto Co. v. Scruggs, 3:00CV161-B-A, U.S. District Court, Northern District of Mississippi, Western Division, filed September 7, 2000.
23. Monsanto Co. v. Swann, 4:00CV01481CEJ, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed September 14, 2000.
24. Monsanto Co. v. Ethridge, 4:00CV01592TCM, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed October 4, 2000.
25. Monsanto Co. v. Adams, 3:00CV185-D-A, U.S. District Court for the Northern District of Mississippi, Western Division, filed October 10, 2000.
26. Monsanto Co. v. Jones, 3:00CV188-D-A, U.S. District Court for the Northern District of Mississippi, Western Division, filed October 11, 2000.
27. Monsanto Co. v. Nelson, 4:00CV01636DDN, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed October 11, 2000.
28. Monsanto Co. v. Stephens, 7-00-CV-211-F(1), U.S. District Court for the Eastern District of North Carolina, Southern Division, filed October 18, 2000.
29. Monsanto Co. v. White, 4:00CV01761RWS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed November 6, 2000.

30. Monsanto Co. v. Wood, 2:00-3142M1BRE, U.S. District Court for the Western District of Tennessee, Western Division, filed November 30, 2000.
31. Monsanto Co. v. Harris, 4:01CV00253RWS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed February 15, 2001.
32. Monsanto Co. v. Hendrix, 4:01CV00523ERW, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed April 6, 2001.
33. Monsanto Co. v. Schuler, CIV01-1015, U.S. District Court for the District of South Dakota, Northern Division, filed July 9, 2001.
34. Monsanto Co. v. Ling, 1:01CV00122CAS, U.S. District Court for the Eastern District of Missouri, Southeastern Division, filed August 16, 2001.
35. Monsanto Co. v. Aungst, 01CV73172DT, U.S. District Court for the Eastern District of Michigan, Southern Division, filed August 20, 2001.
36. Monsanto Co. v. Kelly, 4:01CV01484CEJ, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed September 14, 2001.
37. Monsanto Co. v. Meisberger, 01CC-004016M CV, Circuit Court of the County of St. Louis, Twenty-First Judicial Circuit, State of Missouri, filed November 20, 2001.
38. Monsanto Co. v. DeBuhr, 4:01CV3293, U.S. District Court for the District of Nebraska, filed November 21, 2001.
39. Monsanto Co. v. DeBuhr, 4:01CV3294, U.S. District Court for the District of Nebraska, filed November 21, 2001.
40. Monsanto Co. v. Rogge, 4:01CV3295, U.S. District Court for the District of Nebraska, filed November 21, 2001.

41. Monsanto v. Good, 01CV5678(SMO), U.S. District Court for the District of New Jersey, Camden Vicinage, filed December 6, 2001.
42. Monsanto v. Miller, 4:01CV01938RWS, U.S. District Court for the Eastern District of Missouri Eastern Division, filed December 11, 2001.
43. Monsanto v. Miller, 4:01CV01939RWS, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed December 11, 2001.
44. Monsanto Co. v. Willis, 4:01CV01963MLM, U.S. District Court for the Eastern District of Missouri, Eastern Division, filed December 14, 2001.
45. Monsanto Co. v. Garrell, 7:01-CV-230-BR(1), U.S. District Court for the Eastern District of North Carolina, Southern Division, filed December 18, 2001.
46. Monsanto Co. v. Bryant, 1:01CV00187CDP, U.S. District Court for the Eastern District of Missouri, Southeastern Division, filed December 19, 2001.
47. Monsanto Co. v. Meekins, 4:02003225, U.S. District Court for the District of South Carolina, Florence Division, filed January 8, 2002.
48. Monsanto Co. v. Meekins, 4:02003325, U.S. District Court for the District of South Carolina, Florence Division, filed January 8, 2002.
49. Monsanto v. Britt, 7:02-CV-10-F(1), U.S. District Court for the Eastern District of North Carolina, Southern Division, filed January 23, 2002.
50. Monsanto v. Hunt, 7:02-CV-11-F-1, U.S. District Court for the Eastern District of North Carolina, Southern Division, filed January 23, 2002.
51. Monsanto v. Rogers, 4:02035825, U.S. District Court for the District of South Carolina, Florence Division, filed February 6, 2002.

52. Monsanto Company v. Pioneer Hi-Bred International, Inc., 99CV01917, U.S. District Court for the Eastern District of Missouri, filed December 8, 1999.

The Examiner noted in the comments accompanying the Notice of Allowance and Fee(s) Due, dated September 9, 2004, that "There are no copies of the 52 litigations listed on the IDS filed on 02/13/04." Accordingly, applicants submit the enclosed representative copy of a Complaint from those litigations and will contact the Examiner to ensure that the disclosure regarding these litigations is sufficient, and will be made of record in this application.

This Supplemental Information Disclosure Statement is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement; however, if any fees are due, the Commissioner is authorized to deduct those fees from Howrey Simon Arnold White's Deposit Account No. 01-2508/11899.0175.DVUS01.

Respectfully submitted,



Janelle D. Waack  
Reg. No. 36,300

Attorney for Assignee,  
MONSANTO TECHNOLOGY LLC

Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, TX 77057  
(713) 787-1686

December 9, 2004